

**REMARKS**

Claims 1-21 are all the claims pending in the application. The title has been amended so that it is more particularly directed to the elected invention. Claim 13 has been amended based on, e.g., the disclosure at page 1, lines 15-16 in the application.

Entry of the above amendments is respectfully requested.

**PTO/SB/08 Form filed September 10, 2004**

Applicants note that the Examiner has attached three initialed PTO/SB/08 forms to the Office Action, but has lined out the WO 98/37417 citation on the September 10, 2004 PTO/SB/08 form because, according to the Examiner, pages 1-45 are missing.

While Applicants believe that WO 98/37417 was submitted in its entirety, Applicants submit herewith this reference again, together with a copy of the PTO/SB/08 form filed September 10, 2004. Applicants respectfully request that the Examiner consider this reference and return an initialed copy of the PTO/SB/08 form with the next communication from the PTO. If any fee is needed for the Examiner to consider this reference, please charge it to Deposit Account No. 19-4880.

**Election Issues**

On page 2 of the Office Action, in paragraph 1, the Examiner has acknowledged Applicants' election without traverse of claims 13-17 reading on the elected species 6. However, the Examiner has not commented on Applicants' indication that claims 13-17 also read on

species 7. Accordingly, Applicants respectfully request that the Examiner consider this point and provide his comments thereon in the next communication.

Also, per MPEP 821.04(a) and MPEP 821.04(b), Applicants respectfully request rejoinder of claims 18-21 (which include the fine structure body of elected claim 13) upon allowance of elected claim 13.

### **Title of the Invention**

On page 2 of the Office Action, in paragraph 3, the Examiner indicates that the title of the invention is not descriptive, and requires a new title that is clearly indicative of the invention to which the claims are directed.

In response, Applicants have amended the title to "Fine Structure Body Including Layer-Shaped Base Body, Fine Metal Particles, And Thin Metal Film", based on the recitations of elected claim 13. Accordingly, Applicants submit that the Examiner's requirement has been satisfied.

### **Art Rejection**

On page 4 of the Office Action, in paragraph 8, claims 13-17 are rejected under 35 U.S.C. § 102(b) as being anticipated by, or in the alternative, under 35 U.S.C. § 103 (a) as obvious over Wilshaw (US 6034468).

### **The Examiner's Position**

The Examiner's position appears to be basically that Wilshaw shows a fine structure body comprising layer-shaped base body 10, a plurality of fine holes 39 formed in one surface of the base body 10, fine metal particles 20, each of which is loaded in one of the holes 39, and a thin metal film 24 formed on areas of the surface of the base body 10, wherein the areas on which the metal film 24 are formed are located around each of the holes 39 such that the metal film 24 is spaced from each of the particles 20 a distance that is approximately equal to at most a diameter of each of the particles 20.

### **Applicants' Response**

In response to this rejection, Applicants submit that Wilshaw discloses that a plurality of pores are filled with wires 18 made of metal with emitter cone 20 formed on the wires.

In contrast, Applicants submit that, e.g., a plurality of fine holes formed with dielectric material are loaded with fine metal particles in the present invention.

Thus, Applicants submit that the structure of the present invention is completely different from that of Wilshaw.

Applicants note that claim 13 has been amended to recite the feature that "the layer-shaped base body comprises dielectric material or semiconductor material." Applicants submit that this feature clearly shows that the fine metal particles are electrically isolated within the holes, thereby further distinguishing the present invention from the cited reference.

Thus, Applicants submit that the present invention is neither anticipated by nor obvious over Wilshaw. Accordingly, withdrawal of this rejection is respectfully requested.

AMENDMENT UNDER 37 C.F.R. § 1.111  
U.S. Application No. 10/766,018

Attorney Docket No. Q79450

### Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

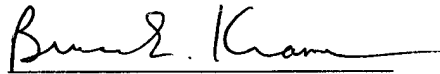
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**23373**

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